

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**BARRON BORDEN, # 164982**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:11-cv-193-HSO-JMR**

**JACKSON COUNTY, MISSISSIPPI, *et al.***

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION,  
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT,  
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND  
DISMISSING PLAINTIFF'S COMPLAINT WITH PREJUDICE**

This cause comes before the Court on the Report and Recommendation [37] of Chief United States Magistrate Judge John M. Roper, entered in this cause on August 24, 2012. Magistrate Judge Roper reviewed the Motion for Summary Judgment [30] filed by Defendants Jackson County, Mississippi, Mike Byrd, and Ken Broadus, and determined that it should be granted, and that Plaintiff's claims should be dismissed with prejudice. *See* Report and Recommendation, at pp. 1, 19. Magistrate Judge Roper also reviewed the Motion for Summary Judgment [32] filed by Plaintiff Barron Borden on March 30, 2012, and determined that it should be denied. *Id.*

Plaintiff did not file an objection to the Report and Recommendation, and the time to do so has passed. Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d

1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court concludes that the Magistrate Judge's findings are not clearly erroneous, nor are they an abuse of discretion or contrary to law. After a review of the record, the Court, being fully advised in the premises, finds that said Report and Recommendation [37] should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [37] of Chief United States Magistrate Judge John M. Roper, entered in this cause on August 24, 2012, is adopted as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, the Motion for Summary Judgment [32] filed by Plaintiff Barron Borden on March 30, 2012, is **DENIED**.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, the Motion for Summary Judgment [30] filed by Defendants Jackson County, Mississippi, Mike Byrd, and Ken Broadus, on March 28, 2012, is **GRANTED**, and Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**. A separate judgment in accordance with this Order will be entered, as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 20<sup>th</sup> day of September, 2012.

*s/ Halil Suleyman Ozerden*  
HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE